

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIE SAMPSON,

Petitioner,

v.

PERRY RUSSELL, *et al.*,

Respondents.

Case No. 3:20-cv-00615-MMD-WGC

ORDER

This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Willie Sampson, an individual incarcerated at the Northern Nevada Correctional Center. Sampson initiated this action, *pro se*, on November 2, 2020, by submitting a Petition for Writ of Habeas Corpus (ECF No. 1-1) and supporting exhibits (ECF Nos. 1-2, 1-3), an Application to Proceed *in Forma Pauperis* (ECF No. 1), and a Motion for Appointment of Counsel (ECF No. 1-5).

Based on the information in the Application to Proceed in Forma Pauperis (ECF No. 1), the Court will grant that application. Sampson will not be required to pay the filing fee for this action.

The Court has examined Sampson's petition, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and the Court determines that it merits service upon the Respondents. The Court will order the petition served upon Respondents and will require the Respondents to appear but will not require the Respondents to respond to the petition at this time.

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1 “Indigent state prisoners applying for habeas corpus relief are not entitled to
2 appointed counsel unless the circumstances of a particular case indicate that appointed
3 counsel is necessary to prevent due process violations.” *Chaney v. Lewis*, 801 F.2d 1191,
4 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per
5 curiam). The Court may, however, appoint counsel “if the interests of justice so require.”
6 See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*,
7 801 F.2d at 1196. The Court determines that, in the interests of justice, appointment of
8 counsel is warranted in this case.

9 It is therefore ordered that Petitioner’s Application to Proceed in Forma Pauperis
10 (ECF No. 1) is granted. Petitioner will not be required to pay the filing fee for this action.

11 It is further ordered that the Clerk of the Court is directed to add Aaron D. Ford,
12 Attorney General of the State of Nevada, as counsel for the Respondents.

13 It is further ordered that the Clerk of the Court is directed to electronically serve
14 upon the Respondents a copy of the Petition for Writ of Habeas Corpus (ECF No. 1-1),
15 and a copy of this order.

16 It is further ordered that the Respondents shall appear in this action within 30 days
17 from the date of this order. Respondents will not be required to respond to the habeas
18 petition at this time.

19 It is further ordered that the Federal Public Defender for the District of Nevada
20 (“FPD”) is appointed to represent the Petitioner. If the FPD is unable to represent the
21 Petitioner, due to a conflict of interest or other reason, then alternate counsel will be
22 appointed. In either case, counsel will represent the Petitioner in all federal-court
23 proceedings relating to this matter, unless allowed to withdraw.


24 It is further ordered that the Clerk of the Court is directed to electronically serve
25 upon the FPD a copy of this order, together with a copy of the petition for writ of habeas
26 corpus (ECF No. 1-1).

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1 It is further ordered that the FPD shall, within 30 days from the date of this order,
2 file a notice of appearance, or indicate to the Court that office's inability to represent the
3 Petitioner in this case.

4 DATED THIS 5th Day of November 2020.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE
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